



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शक्रवार, २९ जून, १९७३/८ ग्राषाद, १८९५

GOVERNMENT OF HIMACHAL PRADESH

PERSONNEL (A) DEPARTMENT

NOTIFICATIONS

Simla-2, the 19th April, 1973

No. 7-5/70-DP (Apptt).—In exercise of the powers vested in him under sub-rule (ii) of rule 1 of the Himachal Pradesh Judicial Service Rules, 1973, the Governor, Himachal Pradesh is pleased to order that the said rules shall come into force with effect from 19th April, 1973.

U.N. SHARMA,
Chief Secretary.

Simla-2, the 19th April, 1973

No. 7-5/70-DP (Apptt).—In exercise of the powers conferred by Article 234 read with proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf the Governor, Himachal Pradesh in consultation with the High Court of Himachal Pradesh and Himachal Pradesh Public Service Commission is pleased to make the following rules:—

PART I GENERAL

1. Short title and commencement.—(i) These rules may be called the Himachal Pradesh Judicial Service Rules, 1973.

(ii) They shall come into force on such date as the Governor may by notification, in official Gazette, specify in this behalf.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or the context:—

- (a) "Governor" means the Governor of Himachal Pradesh.
- (b) "Government" means the Government of Himachal Pradesh.
- (c) "Commission" means the Himachal Pradesh Public Service Commission.
- (d) "Duty post" means any post specified in Schedule I and includes a temporary post carrying the same designation as any of the posts specified therein and the scale of pay of which is identical to that attached to Grade II of the Service and any other temporary post declared as duty post by the Government.
- (e) "High Court" means the High Court of Himachal Pradesh.
- (f) "Member of the Service" means a person appointed in substantive capacity or a person appointed on probation to either grade of the Service.
- (g) "Schedule" means any schedule as amended from time to time and appended to these rules.
- (h) "Service" means the Himachal Pradesh Judicial Service.

3. *Constitution of the service and its classification.*—(1) On and from the date of commencement of these rules, there shall be constituted a civil service to be known as the Himachal Pradesh Judicial Service.

(2) The service shall have two grades, namely:—

- (i) Grade I (Selection Grade); and
- (ii) Grade II.

(3) The post in Grade I shall be civil posts Class I (Senior) Gazetted and those in Grade II shall be civil posts, Class I (Junior) Gazetted.

PART II

AUTHORISED STRENGTH

4. *Strength of the service.*—(1) The posts borne on, and the permanent strength and Composition of the Service shall be as specified in Schedule I.

(2) The number of Selection Grade posts in the Service shall be 10 per cent of the posts of the authorised sanctioned strength of the service as specified in Schedule I. While calculating 10 per cent of the authorised sanctioned strength, fraction, if any, of less than one-half shall be ignored and a fraction of one-half or more shall be rounded upto one.

(3) The Governor, on the recommendation of the High Court, by order, may create duty posts for such period as may be specified therein.

PART III

METHOD OF RECRUITMENT

5. *Method of recruitment.*—Save as provided in rule 6 part IV, the appointment to the service in Grade II shall be made by competitive examination in the manner specified below:—

A—QUALIFICATION

1. A candidate for appointment to the service must be;—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or

- (c) a subject of Nepal, or
- (d) a subject of Bhutan, or
- (e) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or
- (f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a candidate belonging to categories (c) (d), (e) and (f) above shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to the examination and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government.

2. Any reference in these rules to "a Subordinate Judge" or "a Sub-Judge" shall unless the context otherwise requires, be construed as a reference to "a member of the Himachal Pradesh Judicial service" as the context may require.

3. No person, who is more than twenty seven years or is less than twenty-one years of age, on the 1st of January of the year in which the Commission invites applications for the competitive examination for recruitment to the service shall be eligible to appear in the competitive examination. The upper age limit shall be twenty-eight years in the case of first examination to be conducted by the Commission after the commencement of these rules:

Provided that:—

(a) the maximum age limit:

- (i) for an advocate who has practised at Bar for a minimum period of four years; or
- (ii) for an official, who is a law graduate and is serving on the establishment of the High Court or any Court subordinate thereto in the State of Himachal Pradesh or in the Himachal Pradesh Government Secretariat or in offices subordinate thereto, and has served on the said establishment or under the State Government or partly on the said establishment and partly under the State Government for a minimum aggregate of four years, shall be 40 years.

Explanation.—(a) For the purpose of this sub-rule, the expression "High Court" would include the erstwhile Court of Judicial Commissioner of Himachal Pradesh and the Himachal Bench of the Delhi High Court.

(b) For the purposes of computing the period of four years practice at the Bar referred to in clause (a) above, the Government may, in consultation with the High Court include the period during which a person had served as Subordinate Judge on temporary basis as a result of the competitive examination held by the Commission.

(c) A candidate belonging to a a schedule caste, scheduled tribe, or backward class will be entitled to deduct from his age such period as may from time to time, be allowed by the Government for entry into service, for such candidates.

4. no person shall be appointed to be a Subordinate Judge who is not a law graduate or has not passed an equivalent examination.

5. No person shall be appointed to be a Subordinate Judge who cannot give satisfactory evidence of—

- (i) good moral character and conduct;
- (ii) medical fitness.

6. *Disqualifications*—(a) No person who has more than one wife living or who, having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse shall be eligible for appointment to the service, and

(b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the service:

Provided that the Government, may, if satisfied, that there are special grounds for so ordering, exempt on the recommendation of the High Court, any person from the operation of this rule.

1. *Method of Recruitment and Examination of candidates* (b)—Recruitment to the service shall be made through a competitive examination. Competitive examination shall be held by the Commission at such intervals as the Government may in consultation with the High Court, from time to time, determine. The examination will be held at such place(s) and on such dates as the Commission may determine. The applications for competitive examination shall be invited by the Commission on such forms as may be prescribed by it.

2. No candidate shall be permitted to sit at the examination who does not by the closing date for receipt of applications to be notified by the Commission send a crossed Indian Postal Order for sixty rupees or in the case of schedule castes/tribes or backward classes candidate belonging to or residing in Himachal Pradesh one-fourth of this amount on account of examination fee which in no circumstances will be refunded or held over for the Subsequent examination.

3. The Commission will not entertain incomplete forms. The Commission will issue roll Nos. in respect of such candidates whose application forms are found in order and the candidates shall have to appear for the examination at such examination centres as the Commission may determine. The Roll No. Chits shall be produced on the first day of the examination and before the first paper is given out. The officer superintending the examination shall retain the Roll No. Chits.

Notes.—(i) A candidate who claims age relaxation as an advocate under proviso (a) (i) of sub-rule 3 of Part III-A of these rules shall produce necessary certificate to the effect that he had practised law for four years and is entitled to age relaxation either from the District Magistrate or District Judge. Such a certificate shall be sent along with the application form.

(ii) Candidates claiming age relaxation under the other provisos of sub-rule 3 of Part III-A of these rules shall submit such certificates along with the application forms as may be prescribed by the Commission.

- (iii) A candidate who has appeared at an examination, the passing of which would render him eligible to appear at this competitive examination, but has not been informed of the result, may apply for admission to the examination. A candidate who intends to appear at such a qualifying examination may also apply provided the qualifying examination is completed before the commencement of competitive examination. Such candidate will be admitted to the competitive examination, if otherwise eligible, but admission would be deemed to be provisional and subject to cancellation if they do not produce proof of having passed the qualifying examination as soon as possible and in any case not later than two months after the commencement of the competitive examination.

4. The examination paper shall be set and marks awarded by examiners who will be appointed by the Commission.

A representative of the High Court shall be a member of the Interview Board which conducts the *viva voce*.

5. The subjects and syllabus for the examination shall be as under, provided that the Government whenever it considers necessary may make alterations or modifications in the subjects and syllabus in consultation with the High Court and the Commission.

Paper I.—Civil Law—Code of Civil Procedure, Himachal Pradesh Courts Order, 1948, Punjab Courts Act, Indian Contract Act, Indian Sale of Goods Act, Indian Partnership Act, Specific Relief Act and Indian Evidence Act.

Paper II.—Civil Law, Hindu Law, Mohammandan Law and customary Law, Law of Registration and Limitation and Transfer of Property Act.

Paper III.—Criminal Law, Indian Penal Code, Criminal Procedure Code and Indian Evidence Act.

Paper IV.—English Composition—A choice of three essays on general subjects.

Paper V.—Language—Hindi (in Devanagari Script) No books prescribed. *Viva Voce*.

Note.—(i) Bare copies of legislative enactments only will be supplied.

(ii) Each paper will last for three hours. Paper I to IV will carry 200 marks each and paper V 100 marks. *via voce* will carry 150 marks.

(iii) Paper of Hindi will comprise of the following:—

	Marks
(1) Translation of English passage into Hindi.	20
(2) Explanation of Hindi passage in prose and poetry in the same language.	30
(3) Composition (Essay, idioms, corrections, etc).	50

Total .. 100

6. The object of the examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose, such kind of questions may also be included as will give facts of

a case requiring the candidate to frame issues, to write a judgement and to discuss the admissibility of evidence.

7. No candidate shall be credited with any marks in any paper unless he obtains at least 33 per cent marks in it.

8. (i) No Candidate shall be considered to have qualified in the written test unless he obtains 45 per cent marks in the aggregate of all the papers and at least 33 per cent marks in the language paper, Hindi (in Devanagari script). The standard of the language paper will be that of the Matriculation examination of the Himachal Pradesh School Board of Education.

(ii) Only such candidates who have qualified the written test as prescribed in (i) above will be called for *viva voce* by the Commissioner. The marks so obtained in the *viva voce* will be added to the marks obtained in the written test paper purpose of selection of the candidates.

9. (i) The result of the examination will be published in the Government Gazette.

(ii) Candidates will be selected for appointment strictly in the order in which they have been placed by the Commission in the list of those who have qualified under sub-rule-8 of Part-III-B:

Provided that the selection of candidates belonging to the scheduled castes/tribes and other backward classes in the order of merit *inter-se* shall be made against the vacancies reserved for them and in the manner prescribed by Government from time to time:

Provided further that the inclusion of a candidate's name in the list shall confer no right to appointment unless the Government is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the service and an actual offer of appointment is made.

10. No candidate shall be appointed to the Service unless he appears for medical examination before the standing medical Board and has been declared by such Board to be physically fit for the duties which he will have to perform as Member of the Service.

Note I.—The regulations for the Medical Examination of candidates are contained in Schedule II of these rules.

Note II.—A selected candidate who fails without sufficient reason on which the decision of the Government shall be final, to appear before the standing Board on the date for which he is called, is liable to have his name removed from the list of selected candidates.

C—Appointment, probation and confirmation

1. *Appointment.*—All appointments to the Service shall be made to Grade II of the Service and not against any specific post included in the service. A member of the Service may be required to work as a subordinate judge or a judicial Magistrate or both.

Explanation for the purpose of this rule:—

The expression “Subordinate Judge” includes the Senior Subordinate Judge and Additional Senior Subordinate Judge. The Sub-Judge Small Cause Court and the Additional Judge, Small Cause Court.

The expression "Judicial Magistrate" includes the Chief Judicial Magistrate and the Additional Chief Judicial Magistrate.

Period of probation:

- (a) Every person appointed to the service shall be on probation for a period of two years.
- (b) The Governor may, in consultation with the High Court, extend the period of probation for a maximum period of two years for reasons to be recorded in writing.
- (c) A person on probation shall be liable to be discharged from service without assigning any reasons, provided that if he holds a lien on any permanent post under the State Government he shall be liable to be reverted to that post.
- (d) A person on probation who holds a lien on any permanent post under the State Government may if he so desires, during the period of probation have the option to revert back to his parent Department or Government as the case may be after giving such notice as may be prescribed by the Government in consultation with the High Court.

3. *Confirmation in service.*—A person who has been declared to have satisfactorily completed his period of probation and who has passed the departmental examination as prescribed in sub-rule 4 below may be confirmed in the service.

4. *Departmental examination.*—(i) Every person appointed to the service after the commencement of these rules shall pass the departmental examination by the prescribed standard within two years from the date of his appointment and if any candidate fails to pass the departmental examination, he may be removed/reverted from the service. The departmental examination shall be conducted by the High Court in accordance with rules and procedure to be framed in this behalf by the High Court:

Provided that the Government may in consultation with the High Court exempt any candidate/person from passing the whole or any portion of the departmental examination or may extend the period within which the person shall so pass the examination.

(ii) The subjects of examination, maximum marks assigned and classification groups are as follows:—

Subject	Maximum marks	Classification in groups
1	2	3
1. Criminal Law	20	Group A-I
2. Civil Law	20	Group A-II
3. Revenue Law Ist Paper.	20	Group B
4. Revenue Law 2nd Paper.	20	Group B
5. Accounts including Indian Accounts and Income Tax.	60	Group C
6. Language (Hindi in Devanagari Script)—		

1	2	3
(i) Written—		
(a) Translating an English passage into Hindi in Devanagari Script.	20 —	} 150 Group D
(b) Explanation of Hindi passage in prose and poetry in the same language.	30 —	
(c) Composition (essays, idioms and corrections etc).	50 —	
(ii) Oral—		
(a) Reading a passage printed or cyclostyled in Hindi in Devanagari Script.	30 —	
(b) Conversation in polished Hindi with the Examiner.	20 —	
7. Constitutional Law of India—		
(a) Theory of Constitutional Law.	30	} 100 Group E
(b) Constitutional Law of India.	70 —	

Note.—The books etc. from which the question will be set in each subject will be notified by the Government in consultation with the High Court.

- (iii) The paper in Accounts and the first paper in Revenue Law will be answered with the aid of books which will be provided in the examination hall for use by candidates. The questions in the papers with books shall not be such as can be answered by copying a passage from a book, but shall be, designed to test the practical knowledge of the candidates, and shall be confined as much as possible, to cases arising in ordinary practice, facts of probable occurrence being stated and the candidates being required to find and apply the law or rules bearing on them. The other papers will be answered without reference to books. The maximum time allotted for each paper will be three hours.
- (iv) Candidates who have passed the language paper at the time of competitive examination held by the Commission after the coming into force of these rules will not be required to appear in the language paper.
- (v) All candidates are required to pass each group by higher standard. A candidate who secures at least 2/3rd of the maximum marks in

a group will be held to have passed in higher standard; if he obtains half the maximum marks will be held to have passed it by the lower standard.

(vi) Candidates will be held to have passed with credit if they obtain at least $\frac{3}{4}$ th of the maximum marks allotted to a group or groups taken together as mentioned below, at one examination:—

- (a) Groups A-I and A-II
- (b) Groups B and C.
- (c) Group D
- (d) Group E

(vii) No candidate will be held to have passed in Hindi unless he obtains at least 50% marks in each of the written and oral papers.

(viii) A candidate shall have the option of appearing in one or more subjects at one examination.

(ix) After each examination the names of those candidates who have passed by either standard or passed with credit will be communicated as soon as possible to the Government and also published in the Gazette.

5. *Selection grade.*—(i) Member of the service shall be eligible for appointment permanently or provisionally to a selection grade and on such appointment shall be entitled to pay in the pay scale of Rs. 1300-50-1500.

(ii) Appointment to the selection grade shall be made on the basis of Seniority-cum-merit.

(iii) The number of appointments in the selection grade shall be 10 per cent of the sanctioned strength of the Service. For working out the number of vacancies for selection grade posts the fraction it is half or more, shall be taken as one vacancy, otherwise it shall be ignored.

6. *Part iv provision relating to the members of the subordinate judicial service.*— All persons who at the commencement of these rules, are working as Subordinate Judges/Judicial Magistrates either in substantive or officiating capacity and are members of the subordinate Judicial service of Himachal Pradesh or had worked as Subordinate Judges/Judicial Magistrates and were member of the Subordinate Judicial service of Himachal Pradesh prior to their promotion/deputation/transfer to other posts shall be deemed to have been appointed to the service under these rules.

7. *Part v seniority.*— (i) The Government shall prepare and maintain a list of members of service appointed in order of seniority.

(2) The Government shall prepare a list of members of Service, arranged in order of seniority as determined in the manner specified below:—

(i) The persons appointed to the Service under Rule 6 (Part IV) of these rules shall be senior to all others appointed under Rule 5 (Part III) and their *inter se* seniority shall be the same as determined under Himachal Pradesh Subordinate Judicial Service.

(ii) In the case of persons appointed under rule 5 (Part-III) seniority in the Service shall be determined by the order in which appointments are made to the service:

Provided that persons recruited on the results of the competitive examination in any year shall be ranked *inter se* in the order of merit in

which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of the later examination.

PART VI MISCELLANEOUS

8. *Control over subordinate courts.*—The control over the courts subordinate to the District Courts including the posting and promotion, of and the grant of leave to, persons belonging to the Service, and all other administrative matters pertaining to the Service shall be vested in the High Court but nothing in these rule shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorising the High Court to deal with him other-wise than in accordance with the conditions of his service prescribed under such law.

9. *Posting and Transfer.*—A person appointed to the service may be posted/transferred by the High Court to any district to which its jurisdiction extends.

10. *Pay and Allowance.*—(1) The scales of pay attached to the Service shall be as follows :—

- (i) Grade I (Selection Grade) Rs. 1300-50-1500.
- (ii) Grade II Time Scale of Rs. 400-30-550/40-750-50-1250.

(2) A person recruited on the result of competitive examination shall, on appointment to the service draw pay at the minimum of the time-scale. The pay and increments in the case of other persons appointed to the service shall be regulated in accordance with the provisions of the rules in force in Himachal Pradesh from time to time:

Provided that it shall be open to the Governor on the recommendation of the High Court to determine the pay of any member of the service in such manner as may be deemed fit if the special circumstances of the case so required:

Provided further that no incumbent appointed to the service after the commencement of these rules shall be entitled to draw his subsequent annual increments after the first annual increment, unless he passes by the prescribed standard the departmental examination.

Explanation:

- (a) The stoppage of increment for failure to pass departmental examination shall not be considered to be a penalty.
- (b) The increment or increments shall be released retrospectively to a member of the service after he has passed the departmental Examination.

11. *Appointments to meet exigencies.*—Notwithstanding anything contained in these rules, the Governor may, having regard to the exigencies of service, on the recommendation of the High Court and in consultation with the Commission appoint on deputation against duty post, for such period as may be considered necessary, suitable officers belonging to the Himachal Pradesh Administrative Service if such an officer is a Law Graduate or has passed an equivalent examination of a recognised uni-

versity and is considered suitable to work on the judicial line by the High Court.

12. *Regulation.*—The Government may in consultation with the High Court and the Commission make regulations not consistent with these rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

13. *Residuary Matters.*—In respect of all such matters regarding the conditions of service for which no provision or in sufficient provision has been made in these rules, the rules of orders, for the time being in force and applicable to servants holding corresponding posts in connection with the affairs of the State of Himachal Pradesh shall regulate the conditions of such service.

14. *Interpretation.*—If any question arises to the interpretation of these rules, the same shall be decided by the Governor in consultation with the High Court.

15. *Power to relax Rules.*—The Governor reserves to himself the right to relax the provisions of one of these rules in his discretion in consultation with the High Court and the Commission.

16. *Repeal.*—(i) On the date on which these rules come into force by the issuance of Notification by the Governor, the Himachal Pradesh Subordinate Judicial Service Rules, 1962, shall stand repealed.

(ii) Notwithstanding such repeal anything done or any action taken under the Himachal Pradesh Subordinate Judicial Service Rules, 1962 shall be deemed to have been validly done or taken under these rules.

U. N. SHARMA,
Chief Secretary.

SCHEDULE I

(Referred to in Rule 4 (I))

Senior Sub-Judge and Chief Judicial Magistrates	10
Subordinate Judges-cum-Judicial Magistrates	11
Total:	21

RESERVES

1. Leave Reserve at 10%	2
2. Training Reserve at 10%	2
3. Deputation Reserve at 12½%	3
Total	7

Total authorised sanctioned strength: 28

SCHEDULE II

(referred to in Sub-rule 10 of Part B of Rule 5)

(Regulations for the Medical Examination of candidates for admission to the Himachal Pradesh Judicial Service)

(These regulations are intended merely for the guidance of Medical Examiners and are not meant to restrict their direction in any way).

1. To be passed as medically fit for admission to the Himachal Pradesh Judicial Service, a candidate must be in good mental and bodily health, and free from any physical defect likely to interfere with the efficient performance of the duties of his appointment.

2. The candidate's height will be measured as follows:—

He will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity and with the heel calves, buttocks and shoulders touching the standard; and chin will be depressed to bring the vertex of the head level under the horizontal bar and the height will be recorded in inches and parts of an inch to quarters.

3. The candidate's chest will be measured as follows:—

He will be made to stand erect with his feet together and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the interior angles of the shoulder blades behind and its lower edge the upper part of the nipples in front. The arms will then be lowered to hang loosely by the side, and care will be taken that the shoulders are not thrown upwards and backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times, and the maximum expansion of the chest will be carefully noted.

The range of expansion should not be less than 5 c.m.

The minimum and maximum will then be recorded in centimeter 84-89 86-91, etc.

In recording the measurements, fractions of less than $\frac{1}{2}$ should not be noted.

4. The candidate will also be weighed and his weight recorded in pounds. Fractions of a pound should not be noted.

5. The following conditions should be observed in connection with acuteness of vision:

Vision of candidates:—

(a) No candidate will be accepted whose vision is less than

Better eye
V-6/6 and reads 0.6

Worse eye
V-6/12 reads 1

Spectacles will be allowed for either eye upto +5.0 D or —5.0D Provided that there are no morbid changes in the fundus:

(b) In myopia if there is posterior at phyloma the spectacles must not exceed 2.5 D in either eye.

(c) In cases of astigmatism the combined lenses must not exceed 5

Diopters and there should be no fundus changes.

- (d) Squint or any other morbid condition of the eyes or of the lids of either eye liable to the risk of aggravation or recurrence will cause the rejection of the candidate.
- (e) Each eye must have a full field of vision as tested by hand movements.
- (f) Any defect in colour vision will be noted but will not cause rejection of the candidate.
- (g) In cases of doubt or of serious abnormality the opinion of the ophthalmic Specialist will be obtained.
- (h) No candidate will be accepted whose standard of vision does not come upto the specified requirements without the use of contact glasses.

6. The urine (passed in the presence of the Examiner) should be examined and the result recorded.

7. The following additional points should be observed:

- (a) that the candidate's hearing in each ear is good and that there is no sign of the disease of the ear;
- (b) that his speech is without impediment;
- (c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well-filled teeth will be considered as sound);
- (d) that his chest is well formed and his chest expansion sufficient, and that his heart and lungs are sound;
- (e) that there is no evidence of an abdominal disease;
- (f) that he is not ruptured;
- (g) that he does not suffer from hydrocele, a severe degree of varicocoele, varicose veins or piles;
- (h) that his limbs, hands and feet are well formed and developed and that there is free and perfect motion of all his joints;
- (i) that he does not suffer from any inveterate skin disease;
- (j) that there is no congenital malformation or defect;
- (k) that he does not bear traces of any acute or chronic disease pointing to an impaired constitution;
- (l) that he bears marks of efficient vaccination and evidence of re-vaccination within the last 12 months.

When any defect is found it must be notified in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be so stated.

8. The following intimation is made for the guidance of the Medical Examiner:—

- (1) In the medical examination of candidates, medical officers are especially required to use fact and judgement and to take proper precaution to secure privacy, with the object of removing any objection which may be made by individuals to stripping.
- (2) should candidate object to the exposure of his person or the detection of haemorrhoids, venereal disease hernia and disease of the testicals, scrotum and rectum, the candidate must if this examination in his case is the opinion of the Board necessary be rejected.

- (3) the opinion of the Board accepting or rejecting a candidate is final and cannot be questioned on any ground. The Board is debarred from disclosing to any candidate permanently unfit, the reasons for his rejection. In these cases their opinion and report is to be treated as strictly confidential and for the information of the Government only. Where, however, the Board detects a temporary defect amenable to the treatment the candidate may be so informed in order that he have the defect remedied and present himself for re-examination.
- (4) No person will be deemed qualified for the admission to Public Service who shall not satisfy the Himachal Pradesh Government that he has no disease, constitutional affection or bodily infirmity unfitting him. or likely to put him for that service.
- (5) It should be understood that the question of fitness involves the future as well as the present, and that the main object of medical examination is to secure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or permanent in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and that the rejection of a candidate need to be advised on account of the presence of a defect which is only a small proportion of cases is found to interfere with continuous effective service.
- (6) the candidate must make the statement required below..... prior to his medical examination and must sign the declaration appended thereto. His attention specially directed to the warning contained in the note below:—
 - (1) State your name in full.....
 - (2) State your age and birth place.....
 - (3) (a) Have you ever had small pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism or appendicitis?

OR

- (b) any other disease or accident requiring confinement to bed and medical or surgical treatment?

OR

- (c) suffered from any illness, wound or injuries sustained while on active service with his Majesty's Forces during the last Great Wars?
- (d) Have you ever been rejected by Medical Board or duly constituted Medical authority?
 - (4) When were you last vaccinated?
 - (5) Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?
 - (6) Have you suffered from any form of nervousness due to over-work and any other cause?

(7) Furnish the following particulars concerning your family:—

Father's age, if living and state of health	Father's age at death and cause of death	Name of brothers living, their ages and state of health	No. of brothers dead, their ages and cause of death
1	2	3	4

Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their age and state of health	Number of sisters dead, their age and cause of death
5	6	7	8

I declare all the above answers to be, to the best of my belief, true and correct and accept the finding of the Board as final.

Candidate's signature

*Note:—*The candidate will be held responsible for accuracy of the above statement. By will fully supressing an information he will incur the risk of loosing the appointment and if appointed, of forfeiting all claims to superannuations allowances or gratuity.

MEDICAL EXAMINER'S REPORT

Questions	Answers
1. Has the declaration above been signed by the candidate?	
2. Are there any evidence of malformation, congenital or acquired?	
3. Is he free from scars and has he the full use of all limbs?	
4. Are there any indications of decided cachetic or diathetic state of constitution?	
5. Has the candidate been vaccinated within the last twelve months?	
6. Are there any signs of disease of the nervous system ?	

Questions	Answers
7. Is the hearing good? Is there any sign of disease of the ears?	
8. What is the candidate's vision?	R.E.V. With glasses Reads Spectacles, if any R.E. L.E.
9. Is the candidate free from stammer or other serious defect of Speech?	
10. Are there any signs of disease of the bones, joints or parts connected there with?	
11. Is there any important affection of the skin?	
12. Are the heart and arteries healthy?	
13. Has the candidate haemorrhoids, varicocele or other affections of veins?	
14. Is there any evidence of disease of the respiratory organs?	
15. Are there any signs of disease of the digestive organs?	
16. Is the candidate free from rupture?	
17. Is there any indication of disease of the genital organs?	
18. Is the urine free from (1 albumen 1. (2) sugar? Is the urine otherwise 2. normally?	
19. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties in the service for which he is a candidate?	
20. Do you consider the candidate in all respects qualified for the efficient and continuous discharge of his duties in the service for which he is a candidate? Height (without shoes).	

Girth of chest 1	Full inspiration 2
Weight	President Member Member

Dated.....